

ASSEMBLY, No. 1020

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Establishes procedure for notification to, and review by, municipalities of certain grant and loan applications for acquisition or development of lands for recreation and conservation purposes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain lands acquired or developed for
2 recreation and conservation purposes, supplementing P.L.1999,
3 c.152 (C.13:8C-1 et seq.) and amending P.L.1997, c.24.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) The Department of Environmental Protection
9 shall provide written notification to the governing body of a
10 municipality whenever the department receives an application from
11 (1) a local government unit that is not the municipality, or (2) a
12 qualifying tax exempt nonprofit organization, for a grant or loan to
13 acquire or develop lands for recreation and conservation purposes
14 using constitutionally dedicated moneys in whole or in part or
15 Green Acres bond act moneys in whole or in part within the
16 boundaries of that municipality. Within 30 days after receipt of
17 notification from the department, the governing body of the
18 municipality may evaluate the application to determine if the
19 governing body of the municipality finds that the land is appropriate
20 for acquisition or development for recreation and conservation
21 purposes, and submit the results of this evaluation in writing to the
22 department. Upon receipt, the department shall review and consider
23 this evaluation as part of its evaluation and priority ranking process
24 pursuant to section 26 of P.L.1999, c.152 (C.13:8C-26), and shall
25 notify the municipality of its intention to approve or deny the
26 application. If the department does not receive an evaluation from
27 the governing body of the municipality within 30 days after
28 providing the notification required pursuant to this section, then the
29 department may proceed with its decision on the application
30 without further notification to the governing body of the
31 municipality.
32

33 2. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to
34 read as follows:

35 6. a. The governing body of any county in which the voters of
36 the county have approved a proposition in accordance with
37 P.L.1997, c.24 (C.40:12-15.1 et seq.) may adopt a resolution
38 authorizing the distribution of monies deposited into the "County
39 Open Space, Recreation, Floodplain Protection, and Farmland and
40 Historic Preservation Trust Fund" created pursuant to subsection c.
41 of section 2 of P.L.1997, c.24 (C.40:12-15.2), in such portions as
42 deemed appropriate, to municipalities within the county or to
43 charitable conservancies, to be used in the county by those
44 municipalities or charitable conservancies for the purposes of
45 P.L.1997, c.24 in accordance with the provisions, conditions, and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 requirements thereof, provided that any municipality or charitable
2 conservancy receiving such monies has presented a plan to the
3 county documenting the proposed use of the monies.

4 b. Lands acquired by a municipality pursuant to this section
5 shall be held in trust and shall be used exclusively for the purposes
6 authorized by P.L.1997, c.24.

7 c. The governing body of a municipality acquiring lands using
8 monies received pursuant to this section shall have full control of
9 the lands and may adopt an ordinance providing for (1) suitable
10 rules, regulations, and bylaws for use of the lands, (2) the
11 enforcement of those rules, regulations and bylaws, and (3) when
12 appropriate, the charging and collection of reasonable fees for use
13 of the lands or for activities conducted thereon.

14 d. In order to qualify to receive monies from a county trust
15 fund pursuant to this section, the board of directors, board of
16 trustees, or other governing body, as appropriate, of an applying
17 charitable conservancy shall:

18 (1) demonstrate to the governing body of the county that it
19 qualifies as a charitable conservancy;

20 (2) agree to use the monies only in connection with lands
21 located in the county and for the purposes authorized by P.L.1997,
22 c.24;

23 (3) agree to make and keep the lands accessible to the public,
24 unless the governing body of the county determines that public
25 accessibility would be detrimental to the lands or to any natural or
26 historic resources associated therewith;

27 (4) agree not to sell, lease, exchange, transfer, or donate the
28 lands for which the monies received were allocated for use pursuant
29 to this section, except upon approval of the governing body of the
30 county under such conditions as the governing body may establish;
31 and

32 (5) agree to execute and donate to the county at no charge (a) a
33 conservation restriction or historic preservation restriction, as the
34 case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.), or (b)
35 a development easement, as defined pursuant to section 3 of
36 P.L.1983, c.32 (C.4:1C-13), as appropriate, on the lands for which
37 the monies received were allocated for use pursuant to this section.

38 e. The governing body of the county shall provide written
39 notification to the governing body of the municipality whenever the
40 governing body of the county receives an application from a
41 charitable conservancy for monies pursuant to subsection d. of this
42 section. Within 30 days after receipt of notification from the
43 county, the governing body of the municipality may evaluate the
44 application to determine if the governing body of the municipality
45 finds that the land is appropriate for acquisition or development for
46 recreation and conservation purposes, and submit the results of this
47 evaluation in writing to the governing body of the county. Upon
48 receipt, the governing body of the county shall review and consider

1 this evaluation when making its decision on the application and
2 shall notify the municipality of its intention to approve or deny the
3 application. If the governing body of the county does not receive
4 an evaluation from the governing body of the municipality within
5 30 days after providing the notification required pursuant to this
6 subsection, then the governing body of the county may proceed
7 with its decision on the application without further notification to
8 the governing body of the municipality.

9 (cf: P.L.2011, c.173, s.6)

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11 3. This act shall take effect immediately.

12 13 14 STATEMENT

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16 This bill would establish a procedure for notification to
17 municipalities concerning certain grant and loan awards for the
18 acquisition or development of lands for recreation and conservation
19 purposes. The bill would require the State, and the governing body of
20 a county, to provide written notification to the governing body of a
21 municipality of any grant or loan application for monies for the
22 acquisition or development of lands for recreation and conservation
23 purposes submitted to the State or the county, as applicable, within
24 that municipality. Within 30 days after receipt of this notification, the
25 governing body of the municipality may evaluate the application to
26 determine if the governing body finds that the land is appropriate for
27 acquisition or development for recreation and conservation purposes,
28 and submit the results of this evaluation in writing to the State or the
29 county, as applicable. The State or county, as applicable, would then
30 review and consider the municipality's evaluation when making its
31 decision on the application and notify the municipality of its intention
32 to approve or deny the application. If the State or the county, as
33 applicable, does not receive an evaluation from the governing body of
34 the municipality within 30 days after providing the notification
35 required by the bill, then the State or the county, as applicable, would
36 be able to proceed with its decision on the application without further
37 notification to the municipality.

38 This bill would provide the opportunity for the governing body of
39 a municipality to provide input to the State, or county, as applicable,
40 on grant or loan applications for monies for the acquisition or
41 development of lands for recreation and conservation purposes within
42 that municipality. The State, or county, as applicable, would then take
43 this input into consideration when making a decision on the grant or
44 loan application.